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July 9, 2024

VIA ECF

Judge Dale E. Ho
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: TufAmerica, Inc. v. Universal Music Publishing, Inc., 1:24-cv-02585-DEH

Dear Judge Ho:

I am counsel to Plaintiff TufAmerica, Inc. On April 10, 2024, the Court scheduled the Initial Pretrial Conference for May 29, 2024 at 3:00 p.m. ECF 8. On May 20, 2024, the Court granted Plaintiff's *ex parte* request to adjourn the conference, rescheduling said conference for June 14, 2024. ECF 10. On June 7, 2024, the Court granted Plaintiff's second *ex parte* request to adjourn the conference, rescheduling said conference for July 17, 2024, and ordering the parties to file the required pretrial materials by July 10, 2024. ECF 12.

As noted in the prior two requests, the undersigned is in ongoing discussions with in-house counsel for Defendant regarding potential settlement. On July 1, 2024, Plaintiff filed Defendant's Executed Waiver of Service. ECF 13. As a result, Defendant's deadline to answer or move in response to the Complaint is August 23, 2024. Defendant has not yet appeared in this case, nor is Defendant expected to file an appearance before August 23, 2024.

For those reasons, I am writing, in accordance with Part 2.e. of Your Honor's Individual Practices and Rules, to respectfully request a further adjournment of the July 17, 2024 conference to a date after August 23, 2024.

If the Court denies this request, the undersigned will go ahead and submit the required pretrial materials on an *ex parte* basis, and will also plan to appear for the July 17, 2024 telephone conference, but does not expect counsel for Defendant to appear.

As noted above, there have been two previous request for adjournment of the conference, which were granted, and there are no other appearances currently scheduled.

Respectfully submitted,



Hillel I. Parness

Application **GRANTED**. The initial pretrial conference is **ADJOURNED** to **September 4, 2024, at 10:00 A.M. EST**. The parties shall join the conference by dialing (646) 453 - 4442 and entering the conference ID: 924 732 025, followed by the pound sign (#). The parties shall file the required materials by **August 28, 2024**. In light of the repeated extensions and Plaintiff's representations that Defendant is aware of this lawsuit, further extensions will not be granted absent a showing of extraordinary circumstances. So Ordered.



Dale E. Ho
United States District Judge
Dated: July 10, 2024
New York, New York